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By: **Senator Stone (Chairman, Ethics and Election Law Subcommittee)**

Introduced and read first time: January 30, 2003

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Election Law - Presidential Election Procedures - Deadlines**

3 FOR the purpose of altering certain deadlines and procedures relating to certain  
4 candidates as presidential or vice presidential nominees; altering the  
5 withdrawal deadline for certain candidates; altering the deadline for naming a  
6 replacement candidate for a presidential delegate; specifying a period in which a  
7 petition candidate may file as a presidential nominee; specifying a date prior to  
8 a general election by which a political party must certify its presidential electors  
9 to the State Board; altering the dates by which the State Board must certify the  
10 content and arrangement of the primary ballot in the year of a presidential  
11 election; and generally relating to certain procedures, deadlines, and  
12 requirements relating to the presidential election process.

13 BY repealing and reenacting, with amendments,  
14 Article - Election Law  
15 Section 5-301, 5-502, 8-501 through 8-503, and 9-207  
16 Annotated Code of Maryland  
17 (2003 Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Election Law**

21 5-301.

22 (a) An individual may become a candidate for a public or party office only if:

23 (1) the individual files a certificate of candidacy in accordance with this  
24 subtitle; and

25 (2) the individual does not file a certificate of withdrawal under Subtitle  
26 5 of this title.

27 (b) The appropriate board shall determine whether an individual filing a  
28 certificate of candidacy meets the requirements of this article, including:

1 (1) the voter registration and party affiliation requirements under  
2 Subtitle 2 of this title; and

3 (2) the campaign finance reporting requirements under Title 13 of this  
4 article.

5 (c) (1) On the certificate of candidacy, a candidate shall designate how the  
6 candidate's name is to appear on the ballot.

7 (2) Except as provided in paragraph (3) of this subsection, a candidate  
8 shall file a certificate of candidacy in which the candidate lists any given name, an  
9 initial letter of any other given name, and surname.

10 (3) A candidate may file a certificate of candidacy in a name different  
11 than that specified under paragraph (2) of this subsection if the candidate files an  
12 affidavit, under penalties of perjury, attesting that the candidate is generally known  
13 by that other name in:

14 (i) press accounts concerning the candidate, if any; or

15 (ii) if press accounts do not exist, the candidate's everyday  
16 encounters with members of the community.

17 (4) Except for the use of quotation marks to enclose a portion of a name,  
18 the use of symbols, titles, degrees, or other professional designations on a certificate  
19 of candidacy is prohibited.

20 (d) A candidate who seeks nomination by petition shall file a certificate of  
21 candidacy as provided in § 5-703 of this title.

22 (e) A write-in candidate shall file a certificate of candidacy as provided under  
23 this subtitle.

24 (f) (1) (i) On or before August 31 in the year in which a judge of the Court  
25 of Appeals must stand for continuance in office, the Clerk of the Court of Appeals  
26 shall provide written notice to the State Board of the name of the judge that is to be  
27 placed on the ballot at the next succeeding general election together with the  
28 identification of the judicial circuit from which the qualified voters of that circuit may  
29 cast a vote for the judge's continuance in office.

30 (ii) On or before August 31 in the year in which a judge of the Court  
31 of Special Appeals must stand for continuance in office, the Clerk of the Court of  
32 Special Appeals shall provide written notice to the State Board of the name of the  
33 judge that is to be placed on the ballot at the next succeeding general election  
34 together with:

35 1. the identification of the judicial circuit from which the  
36 qualified voters of that circuit may cast a vote for the judge's continuance in office; or



1 (b) The State central committee of each political party shall certify to the  
2 State Board, not later than January 1 in the year of the election:

3 (1) the number of delegates and alternate delegates to be selected in the  
4 State and the mode or modes of selection; and

5 (2) in the case of a principal political party:

6 (i) if delegates are to be elected by district, the number of delegates  
7 to be elected from each district;

8 (ii) provisions for placing on the ballot the name of a presidential  
9 candidate, or the word "uncommitted", adjacent to the name of each candidate for  
10 delegate; [and]

11 (III) PROVISIONS FOR HOW, IF A CANDIDATE FOR DELEGATE  
12 WITHDRAWS IN ACCORDANCE WITH § 5-502(B) OF THIS ARTICLE AND THE  
13 WITHDRAWING CANDIDATE'S NAME WOULD HAVE APPEARED ON THE BALLOT  
14 ADJACENT TO THE NAME OF A PRESIDENTIAL CANDIDATE, THAT PRESIDENTIAL  
15 CANDIDATE WILL DESIGNATE A REPLACEMENT CANDIDATE FOR DELEGATE NO  
16 LATER THAN 2 DAYS AFTER THE DEADLINE ESTABLISHED IN § 5-502(B) OF THIS  
17 ARTICLE; AND

18 [(iii)] (IV) any other provisions of the national party rules of the  
19 party that relate to the election of delegates or alternate delegates at the primary  
20 election.

21 8-502.

22 (a) This section applies to the placement on the ballot in the primary election  
23 of the names of individuals who are candidates for nomination by principal political  
24 parties to the office of President of the United States.

25 (b) An individual who desires to run in the primary election may be placed on  
26 the ballot only:

27 (1) by direction of the Secretary of State in accordance with subsection  
28 (c) of this section; or

29 (2) by filing, in accordance with subsection (d) of this section, a petition  
30 containing the signatures of at least 400 registered voters from each congressional  
31 district in the State.

32 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, the  
33 Secretary of State shall certify to the State Board the names of candidates for  
34 nomination by a principal political party during the period beginning 90 days before  
35 the primary election and ending [70] 80 days before the primary election.

1 (ii) The Secretary of State shall certify to the State Board the  
2 names of candidates for the Democratic Party nomination on the first business day in  
3 the year of the election.

4 (2) The Secretary of State shall certify the name of a presidential  
5 candidate on the ballot when the Secretary has determined, in the Secretary's sole  
6 discretion and consistent with party rules, that the candidate's candidacy is generally  
7 advocated or recognized in the news media throughout the United States or in  
8 Maryland, unless the candidate executes and files with the Secretary of State an  
9 affidavit stating without qualification that the candidate is not and does not intend to  
10 become a candidate for the office in the Maryland primary election.

11 (d) [(1)] A candidate who seeks to be placed on the ballot by the petition  
12 process specified in subsection (b)(2) of this section shall file the petition, in the form  
13 prescribed by the State Board, as follows:

14 [(i)] (1) for candidates for the nomination of the Democratic Party,  
15 not later than [9] 5 p.m. on the day that is 1 week later than the first business day of  
16 the year of the election; and

17 [(ii)] (2) for candidates for the nomination of any other principal  
18 political party, at least 70 days before the day of the election.

19 [(2)] A petition filed under this section is not subject to Title 4 or Title 5 of  
20 this article.]

21 (e) The State Board shall establish a procedure for the Democratic  
22 presidential primary through which votes may be cast as uncommitted to any  
23 presidential candidate.

24 (f) The names of the candidates for President qualifying under this section  
25 shall be certified to the local boards by the State Board and shall be printed on all  
26 ballots used for the primary election.

27 8-503.

28 (a) Each political party shall nominate or provide for the nomination of  
29 candidates for presidential elector of the party in accordance with party rules.

30 (b) The number of candidates nominated by each political party shall be the  
31 number that this State is entitled to elect.

32 (c) (1) The names of individuals nominated as candidates for presidential  
33 elector by a political party shall be certified to the State Board by the presiding  
34 officers of the political party.

35 (2) The names of individuals nominated as candidates for presidential  
36 elector by a candidate for President of the United States who is nominated by petition  
37 shall be certified to the State Board by the candidate on a form prescribed by the  
38 State Board.

1 (3) THE ELECTORS SHALL BE CERTIFIED TO THE STATE BOARD AT  
2 LEAST 30 DAYS BEFORE THE GENERAL ELECTION.

3 9-207.

4 (a) The State Board shall certify the content and arrangement of each ballot:

5 (1) for a primary election[,]:

6 (I) IN THE YEAR THAT THE PRESIDENT OF THE UNITED STATES IS  
7 ELECTED, AT LEAST 40 DAYS BEFORE THE ELECTION; AND

8 (II) IN ANY OTHER YEAR, at least 50 days before the election;

9 (2) for a general election:

10 (i) in the year that the President of the United States is elected, at  
11 least 55 days before the election; and

12 (ii) in any other year, not more than 18 days after the primary  
13 election;

14 (3) for a special primary election, at least 18 days before the election; and

15 (4) for a special general election, not later than a date specified in the  
16 Governor's proclamation.

17 (b) The Court of Appeals, on petition of the State Board, may establish a later  
18 date in extraordinary circumstances.

19 (c) Within 48 hours after certification, the State Board shall deliver to each  
20 local board a copy of the certified ballot content and arrangement for that county.

21 (d) (1) Within 5 days after the certification, or a later date that the Court of  
22 Appeals establishes in extraordinary circumstances on petition of the State Board, a  
23 local board shall:

24 (i) prepare the arrangement for all ballots to be used in the county,  
25 using the arrangement prescribed by the State Board; and

26 (ii) display the content and arrangement, in a manner that is  
27 accessible to the public, on all days that the office is open through the day of the  
28 election.

29 (2) Except pursuant to a court order under § 9-209 of this subtitle, or as  
30 provided in § 9-208 of this subtitle, the content and arrangement of the ballot may  
31 not be modified after the third day of the public display.

32 (e) Unless a delay is required by court order, a local board may begin to print  
33 the ballots after 3 days of public display and, with the approval of the State Board,  
34 correction of any noted errors.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2003.